

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE APPLICATION OF ANTONIO DEL
VALLE RUIZ AND OTHERS FOR AN
ORDER TO TAKE DISCOVERY FOR USE
IN FOREIGN PROCEEDINGS PURSUANT
TO 28 U.S.C. § 1782

Case No. 1:18-mc-00085-ER

**DECLARATION OF DANIEL SARMIENTO RAMIREZ-ESCUDERO IN SUPPORT OF
THE SANTANDER PARTIES' RESPONSE TO APPLICATION FOR ORDER TO TAKE
DISCOVERY FOR USE IN FOREIGN PROCEEDINGS PURSUANT TO 28 U.S.C. §
1782**

Dated: April 12, 2018

I, Daniel Sarmiento Ramírez-Escudero, declare the following, pursuant to 28 U.S.C. § 1782:

1. I serve as counsel for Banco Popular Español S.A. (“Popular”) in proceedings relating to the resolution of Popular, including the proceedings before the General Court of the European Union (the “EU General Court”) in Case T-510/17, *Antonio del Valle Ruiz and Others v. European Commission and Single Resolution Board*.

2. I am lawyer in the Madrid Bar Association and of Counsel at the law firm Uría Menéndez. I am also Professor of European Union Law at the University Complutense of Madrid. I was a legal secretary of the Court of Justice of the European Union from 2007 to 2015 and I have acted and currently act before Spanish and EU courts in cases concerning EU law, mostly in the field of financial regulation and institutional law. I am familiar with both Spanish and EU law.

3. I am currently a member of the Madrid Bar Association and licensed to practice law and act before Spanish and EU courts.

4. I submit this Declaration in Support of the Response to the Application for an Order to Take Discovery for Use in Foreign Proceedings Pursuant to 28 U.S.C. § 1782 filed today by Banco Santander S.A., Santander Holdings U.S.A., Inc., and Santander Bank, N.A.

5. This declaration is based on my personal knowledge and on my review of documents and records cited herein or attached hereto.

BANCO POPULAR

6. As of the date of this Declaration, Popular is (as it was before the resolution process) a banking company organized under the laws of the Kingdom of Spain. Its registered domicile and principal place of business are located in Madrid, Spain. It is a credit institution

subject to prudential supervision of the European Central Bank. Popular does not maintain any branch in the State of New York or in the United States.

THE GENERAL COURT PROCEEDINGS

7. On November 8, 2017, Popular submitted a request for leave to intervene, pursuant to Article 40(2) of the Statute of the Court of Justice, in Case T-510/17, *Antonio del Valle Ruiz and Others v. European Commission and Single Resolution Board*.

8. A true and correct copy of the EU General Court's certificate declaring that the application for leave to intervene submitted by Popular in the General Court Proceeding is still pending to be decided on is attached hereto as **Exhibit 1**. A true and correct copy of the acknowledgment of receipt by the EU General Court of the application requesting leave to intervene in the said proceedings is hereby attached as **Exhibit 2**. As of today, the EU General Court has not ruled on Popular's request for leave to intervene.

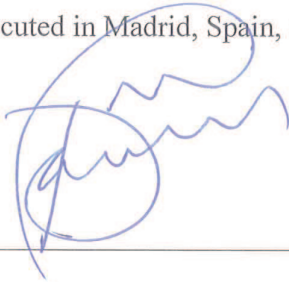
THE POTENTIAL INVESTMENT ARBITRATION

9. I have reviewed the Application and supporting documents filed by the Petitioners in this proceeding. As a result of that review, I am aware that the Petitioners allege that they have sent a notification letter dated January 22, 2018 to the Spanish government invoking the Agreement on the Promotion and Reciprocal Protection of Investments Between the United Mexican States and the Kingdom of Spain (the "Mexico-Spain BIT").

10. It is my understanding that Popular intends to seek leave to intervene should the Petitioners commence any such arbitration.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Madrid, Spain, on April 12, 2018.



Daniel Sarmiento Ramírez-Escudero

LIST OF DOCUMENTS ANNEXED TO THIS DECLARATION

- Exhibit 1** General Court's certificate declaring that the application for leave to intervene submitted by Popular in the General Court Proceeding.
- Exhibit 2** Acknowledgement of receipt by the General Court of the application for leave to intervene submitted by Banco Popular in case T-510/17.

CERTIFICATE OF SERVICE

I hereby CERTIFY that the foregoing document was electronically filed with the Clerk of the Court using the Court's CM/ECF system which will send a Notice of Electronic Filing to all counsel of record.

This 12th day of April, 2018.

/s/ Joseph J. Saltarelli
Joseph J. Saltarelli